

REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the Claims and the following remarks.

Claims Status

Claims 1-16 are pending in this Application. Claims 10-16 are new claims that are limited to the formulas of A-1 to A-15 for the compound of Formula A and mirrors Claims 4 through 9. Thus, no new matter has been added by way of this amendment.

Claims 1 and 2 have been amended herein to restrict the definition of formula A so as to define R_{al} as an alkyl group having 8 to 24 carbon atoms. Support for this limitation can be found on page 6, line 12.

Because of the amendments made to Claim 2, Claim 3 has been, likewise, been amended.

It is respectfully submitted that this amendment should be entered because it puts the case in condition for allowance and because this amendment is predicated on the Examiner's newly presented rejection.

Prior Art Rejection

Claims 1-9 have been rejected as being anticipated by any one of JP '324, JP '664 or EP '189.

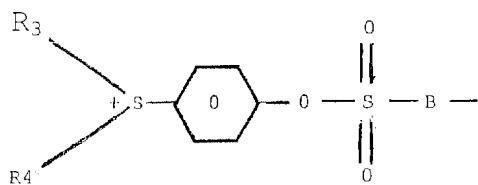
In order to distinguish over each one of these cited references, Claim 1 has been amended herein to recite that Group R_{a1} is an alkyl group having 8 to 24 carbon atoms. Neither one of the three references teach such a formula A-1 wherein group R_{a1} is an alkyl group having 8 to 24 carbon atoms.

Furthermore, Claims 10-15 are presented wherein Claim 15 recites the specific formulas of A-1 - A-15. The specific chemical formula of A-1 - A-15 is neither taught nor suggested in any one of the three references.

Turning to JP '324, the Examiner's attention is directed to Formula X in paragraph 1. In Formula X, R_1 corresponds to R_{a1} of formula A of the present Invention. As can be seen by the English Abstract, R_1 can be an alkyl group, however, there is no

teaching or suggestion that the specific alkyl group has 8 to 24 carbon atoms. The specific compounds taught in JP '324 that fall within Formula X are taught on pages 3 and 4, paragraphs 8-18. As can be seen, none of the specific compounds that fall within Formula X, as taught in JP '324, teach an R₁. That is an alkyl group having 8 to 24 carbon atoms. Furthermore, it can be seen that none of the compounds taught in paragraphs 8-18 fall within the compounds of formulas A-1 through A-15 as recited in Claim 10. Thus, it is respectfully submitted that Claims 1 and 10, as presented herein, define over the teachings of JP '324.

Turning to JP '664, the Examiner's attention is directed to formula 2. In this formula, it can be seen that the left hand half of formula 1, i.e.:



does not correspond to an alkyl group having 8 to 24 carbon atoms. Furthermore, this left hand group of formula 2 of JP '664 does not correspond to any of the left hand groups recited for formula A in formulas A-1 to A-15 as recited in Claim 10. In addition, it is respectfully submitted that the teachings of

JP '664 do not teach or suggest modifying the left hand half of formula 2 of JP '664 in order to arrive at an alkyl group having 8 to 24 carbon atoms or left hand groups of the formulas A-1 through A-15 as recited in Claim 10.

Respectfully, Claims 1 and 10, as recited herein, define over the teachings of JP '664.

Turning to EP '189, the Examiner's attention is directed to Formula I and, specifically, to Formulas I-33 and I-34. It is submitted that Formulas I-33 and I-34, as recited in EP '189, does not have a left hand group that falls within the definition of R_{a1} . Specifically, neither of these formulas have an alkyl group having 8 to 24 carbon atoms coming directly from a sulfur group. Furthermore, neither I-33 nor I-34 correspond to Formulas A-1 through A-15 as recited in Claim 10. Thus, it is respectfully submitted that EP '189 does not teach nor suggest the material as recited in Claims 1 and 10 presented herein.

Respectfully, neither JP '324, JP '664 or EP '189 teach or suggest the material taught in Claims 1 and 10 as presented herein. Moreover, because the dependent claims ultimately depend on either Claims 1 or 10, it is respectfully submitted that all of the claims presented herein are patentable over the

teachings of JP '324, JP '664 and EP '189 taken alone or in combination.

Conclusion

In view of the foregoing, it is respectfully submitted that this Application is in condition for allowance and such action is respectfully requested.

Should any further fees or extensions of time be necessary in order to maintain the Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C Lucas
Donald C. Lucas, 31,275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, NY 10016
Tel. # 212-661-8000

DCL/mr